IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 20904 of 2004

Between:

V.Maisappa, S/o.Rajayya,
R/o.H.No.2-4-669/9, Sunder Nagar,
Kachiguda Kamela, Hyderabad.

..... PETITIONER

AND

The Depot Manager, APSRTC, Rajendranagar Depot,
Rangareddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proc.No.02/95(62)/2004 -RJNR Dated: 06-11-2004 issued by the Respondent placing the petitioner under suspension with immediate effect as arbitrary, illegal, without application of mind, on trivial allegations, no public interest is involved, contrary to law, contrary to circulars issued from time to time, and also in violation of Articles 14 and 21 of the Constitution of India consequently set-aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.20904 OF 2004

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. He joined in the respondent-Corporation in 1992. There was an allegation against him that he collected Rs.2/- from a passenger and failed to issue ticket. Therefore, a charge was framed against him and he was kept under suspension through the proceedings dated 06-11-2004.

2. Keeping an employee under suspension is not an automatic act that is to be exercised by the concerned authority. The irregularity attributed to the petitioner is not such a grave one, which warrants suspension and the public interest is not likely to suffer, if the petitioner is not suspended.

3 . The leaned counsel for the respondent vehemently opposed the request of the petitioner.

4 . Since the charge leveled against the petitioner is not such a grave one, it would be proper to raise the suspension order passed against the petitioner by allowing enquiry to be conducted according to the rules.

5 . In the result the suspension order passed against the petitioner dated 06.11.2004 is raised. This order will not preclude the respondent from proceeding with the enquiry that is to be conducted against the petitioner on the basis of the charge memo and pass appropriate orders according to rules.

6. The writ petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

11th November, 2004

SKM

TO

1. The Depot Manager, APSRTC, Rajendranagar

Depot, Rangareddy District.

2 Two C.D. Copies.